

LEGISLATIVE BILL 750

Approved by the Governor April 26, 1978

Introduced by R. Maresh, 32

AN ACT to amend section 39-6,100, Reissue Revised Statutes of Nebraska, 1943, section 39-6,178, Revised Statutes Supplement, 1977, and section 39-6,177, Revised Statutes Supplement, 1977, as amended by section 1, Legislative Bill 576, Eighty-fifth Legislature, Second Session, 1978, relating to the Nebraska rules of the road; to change certain width and length limitations as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-6,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,100. (1) A self-propelled-unbaied livestock forage vehicle shall mean a is-defined-as-a-motor vehicle with chassis which has a special implement bolted, mounted, or attached thereto for loading, unloading, and moving unbaied livestock forage.

~~{2}-A-trailer-unbaied--livestock--forage--vehicle is-defined-as-a-vehicle-which--has--bolted,--mounted,--or attached-to-a-trailer-chassis--a--special--implement--for loading,--unloading,--and-moving-unbaied-livestock-forage.~~

~~{3}-A--self-propelled--unbaied--livestock--forage vehicle-or-a-truck-tractor--vehicie--used--for--moving--a trailer--unbaied--livestock--forage--vehicle---shall---be classified--for--license--registration--purposes---as---a commercial-truck-as-provided-in-section-60-331,--when--for hire;--Provided,--that--the-vehicles-defined-in--subsections {1}-and-{2}-of-this-section--shall--not--be--defined--nor classified-as-commercial-vehicles-if-owned-by-any--person for-his-own-use--and--not--for--hire--in--moving--unbaied livestock-forage:~~

{4} {2} All livestock forage vehicles moving unbaied-livestock-forage shall:

(a) Not exceed a length of fifty sixty-five feet, extreme overall dimensions inclusive of bumpers and load;

(b) Not exceed a width of eighteen feet; while unloaded; nor a width of eighteen feet while loaded moving unbaled livestock forage;

(c) After May 1, 1972, not Not exceed a height of eighteen feet, either for equipment alone or for equipment and load combined; Provided, that such vehicles shall comply with subsection (2) of section 39-6,178; and

~~{d} Not be restricted as to the county from which such vehicle loaded or unloaded may originate, nor to any county contiguous to the originating county; and~~

~~{e} {d} Shall only Only be operated during hours of daylight.~~

~~{5} {3} As used in sections 39-6,177 to 39-6,179, an intercity bus shall mean any motor vehicle with motive power, except a trailer, designed for carrying more than ten persons and performing transportation between two or more cities in the State of Nebraska.~~

~~{6} {4} Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in section 39-6,112.~~

~~{7} All provisions of sections 39-6,177 to 39-6,179, relating to unbaled livestock forage vehicles also shall apply to vehicles transporting baled livestock forage.~~

~~{8} {5} The load of baled livestock forage shall be securely fastened to the vehicle at all times while it is on the roads or highways; and any person who transports unbaled or baled livestock forage shall be responsible for all damages occurring to other persons or property as a result of his negligence during the transportation of the same and shall also be responsible for cleaning the roads and highways of unbaled or baled livestock forage which falls or is dropped from the load onto the roads and highways during the moving of the same.~~

~~{9} {6} Any person who shall use equipment which exceeds the length, width, and height provisions set forth in subsection ~~{4}~~ {2} of this section shall first obtain a permit from the county sheriff of the county in which he resides and such permit shall be valid to carry loads twenty feet wide in such county and in adjacent counties. Such permit shall be furnished to the sheriff's office by the Department of Motor Vehicles and shall be valid for one calendar year. The fee for such~~

permit shall be ten dollars. Any person securing such a permit shall keep a record of all activity covered by such permit, which record shall be available to the issuing officer, his deputies and agents, or members of the Nebraska State Patrol, at all times. The record shall include dates, items moved, route, and other pertinent information.

~~{40}~~ 17 Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in section 39-6,112. Enforcement of these provisions shall be the responsibility of the sheriffs and their deputies and the Nebraska State Patrol.

Sec. 2. That section 39-6,177, Revised Statutes Supplement, 1977, as amended by section 1, Legislative Bill 576, Eighty-fifth Legislature, Second Session, 1978, be amended to read as follows:

39-6,177. No vehicle shall exceed a total outside width, including any load thereon, of eight feet except that such prohibition shall not apply to (1) a vehicle with a load of pulpwood in movement during daylight hours when such maximum width shall be one hundred inches and the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place, (2) farm equipment in temporary movement during daylight hours, or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations, (3) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall width does not exceed fifteen feet, (4) farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry during daylight hours, (5) alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (a) the clearance light requirements of section 39-6,127 are fully complied with, (b) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (c) there is a well-lighted pilot vehicle or flagman at least three hundred feet in advance of such vehicles to give warning of the approach of over-width equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public

construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways, (6) unbaled livestock forage vehicles loaded or unloaded that comply with subsection ~~(4)~~ (2) of section 39-6,100; Provided, that no vehicle which shall exceed a total outside width, including any load thereon, of eight feet shall be permitted upon any portion of the National System of Interstate and Defense Highways, except intercity buses upon designated segments as hereinafter provided in this section, (7) livestock--forage vehicles hauling baled livestock forage round-bales which, including the load thereon, may be ten twelve feet in width, (8) intercity buses which may be one hundred two inches in width plus additional width for safety devices when operated on certain highways designated by the Director-State Engineer for such operation, or (9) mobile homes not exceeding sixteen feet in width moving during daylight hours. The Director-State Engineer, with respect to highways under his jurisdiction, may designate certain highways for the operation of such intercity buses upon the following conditions:

(a) Highways designated by the Director-State Engineer shall be limited to the National System of Interstate and Defense Highways and four-lane and six-lane highways, except that other highways that are not part of the National System of Interstate and Defense Highways may be so designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four-lane and six-lane highways; Provided, that on two-lane highways so designated for connection each traffic lane shall not be less than ten feet in width; and

(b) No highways shall be so designated by the Director-State Engineer under the provisions of subdivision (8) (a) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways.

Sec. 3. That section 39-6,178, Revised Statutes Supplement, 1977, be amended to read as follows:

39-6,178. (1) No vehicle unladen or with load shall exceed a height of fourteen feet, six inches, except (a) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall height does not exceed fifteen feet, six inches, (b) unbaled livestock forage vehicles with or without load that comply with the

provisions of subsection ~~(4)~~ (2) of section 39-6,100, or (c) farm equipment or implements of husbandry being driven, picked up, or delivered during daylight hours by farm equipment dealers shall not exceed fifteen feet, six inches.

(2) No person, firm, corporation, the State of Nebraska, or any political subdivision thereof, shall be required to raise, alter, construct, or reconstruct any underpass, bridge, wire, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of twelve feet, six inches. The owners, lessees, and operators, jointly and severally, of vehicles exceeding twelve feet, six inches, in height shall assume the risk of loss to the vehicle or its load, and shall be liable for any damages that result to overhead obstructions from operation of a vehicle exceeding twelve feet, six inches, in height.

Sec. 4. That original section 39-6,100, Reissue Revised Statutes of Nebraska, 1943, section 39-6,178, Revised Statutes Supplement, 1977, and section 39-6,177, Revised Statutes Supplement, 1977, as amended by section 1, Legislative Bill 576, Eighty-fifth Legislature, Second Session, 1978, are repealed.